



OPASTCO

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Washington, DC 20036

November 2, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Ex Parte Notice

RE: In the Matter of

**Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an
Order of the Minnesota Public Utilities Commission
WC Docket No. 03-211**

**IP-Enabled Services
WC Docket No. 04-36**

Dear Ms. Dortch,

On November 1, 2004, David Zesiger from the Independent Telephone and Telecommunications Alliance (ITTA), Stuart Polikoff from the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), and Jay Driscoll from the Western Telecommunications Alliance (WTA) met with Scott Bergmann, legal advisor to Commissioner Jonathan Adelstein. The associations believe that it would not be prudent for then FCC to issue a declaratory ruling on the jurisdiction of Voice Over Internet Protocol (VoIP) services in response to the Vonage petition. A premature, piecemeal decision on the jurisdictional nature of VoIP services would have serious consequences for a variety of key policy issues affecting rural incumbent local exchange carriers (ILECs), such as universal service and intercarrier compensation. In particular, a ruling that VoIP services are jurisdictionally interstate could disallow state commissions from requiring VoIP providers to pay intrastate access charges and contribute to state universal service funds. This would impact rural ILECs' ability to recover their costs, which could lead to local end user rate increases and/or a decline in service quality in rural areas. Therefore, the associations urged that the FCC wait to address the appropriate jurisdictional treatment of VoIP services in the proceeding on IP-

Enabled Services, where a comprehensive and integrated solution can be reached that considers every facet of this complex issue.

We handed the Commissioner a copy of a letter that we previously filed on October 15. In accordance with FCC rules, this notice and the attached letter are being filed electronically in the above-captioned dockets.

Sincerely,

Stuart Polikoff
Director of Government Relations
OPASTCO